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IN THE UNITED STATES DISTRICT COURT

DISTRICT OF UTAH, CENTRAL DIVISION

UN SEALED

UNITED STATES OF AMERICA,

Plaintiff, :

v. :

ERIC JAMES SCOTT
aka JAMES SCOTT,
Defendant. :

CASE NO.

2:97CR 0311G
I N D I C T M E N T

VIO. 18 U.S.C. § 1344(1)
(Bank Fraud); § 2 (Aiding
and Abetting)

The Grand Jury charges:

COUNTS 1-34

[Bank Fraud]

At all times relevant to this Indictment:

BACKGROUND

1. Defendant ERIC JAMES SCOTT was a resident of the
Sacramento, California area.

THE SCHEME AND ITS OBJECTS

2. Beginning in or about April, 1997, and continuing hereafter until in or about June 6, 1997, in the District of Utah and elsewhere,

ERIC JAMES SCOTT aka JAMES SCOTT,

the Defendant herein, did with other individuals knowingly and willfully devise and attempt to devise a scheme and artifice to defraud financial institutions within the meaning of Title 18, U.S.C. §20, and to obtain any of the moneys, funds, or property owned by or under the custody or control of a financial institution by means of false or fraudulent pretenses, representations or promises, in violation of Title 18, United States Code, Section 1344 (bank fraud).

THE SCHEME TO DEFRAUD

3. The purpose of Defendant **SCOTT**'s scheme was to obtain control over the moneys, funds or property of financial institutions by fraud, false pretenses and representations, and thereafter to divert those funds to his unauthorized personal uses.

4. Defendant **SCOTT** schemed to defraud several multiple financial institutions in the Provo and Salt Lake City, Utah area by directing others to open checking accounts by presenting false

identification information containing one of several aliases used by the Defendant and others. These financial institutions included First Security Bank (hereinafter FSB), KeyBank National Association (hereinafter KBNA), Washington Mutual Bank fsb (hereinafter WMB), Zion's First National Bank (hereinafter ZFNB), Cyprus Credit Union (hereinafter CCU), and Brighton Bank (hereinafter BB).

5. The false identification information presented by an associate of the Defendant would often include a falsified military identification card and a Kansas state driver's license. Upon opening the bank accounts, Defendant **SCOTT** would often direct an associate to apply for an access card which would enable the Defendant and his associates to withdraw funds from the new Utah checking accounts while in remote locations through the use of automatic teller machines (hereinafter ATM's).

6. To open the Utah accounts, Defendant **SCOTT** would often cause an associate to deposit cash or a check for a nominal sum, and then allow the account to remain dormant for several weeks until the ATM access card and checks for the new Utah account had been received by the Defendant.

7. After the expiration of several weeks, Defendant **SCOTT** would cause an associate to begin to deposit into the Utah bank

accounts counterfeit checks or checks drawn against closed accounts from banks in remote states. Relying on the "float", or time necessary to clear checks from distant regions of the country, Defendant **SCOTT** would then cause the withdrawal of funds from the bank accounts by writing checks or processing ATM withdrawals before the remote banks had credited the Utah accounts. Defendant schemed to withdraw funds before the Utah banks determined that the Defendant's deposits consisted of counterfeit checks or checks drawn against closed accounts.

COUNTS 1-34

On or about the dates set forth below for each specific count of Counts 1-34 of this Indictment, in the Central Division of the District of Utah,

ERIC JAMES SCOTT, aka JAMES SCOTT,

the Defendant herein, did execute and attempt to execute his scheme and artifice to defraud the federally insured financial institution named, by causing to be deposited into the bank account named a check that was either counterfeit or drawn on a closed account in the amount set forth below:

<u>COUNT</u>	<u>CHECK</u>	<u>AMOUNT</u>	<u>DATE</u>	<u>VICTIM</u>	<u>ACCOUNT NAME</u>
1	#1447-Premier Bottles account at Penn Security B&T	\$475.54	6-2-97	FSB	Misty Altman

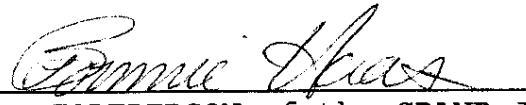
<u>COUNT</u>	<u>CHECK</u>	<u>AMOUNT</u>	<u>DATE</u>	<u>VICTIM</u>	<u>ACCOUNT NAME</u>
2	#337-Gonzalo Aprruebo dba ABT Security	\$485.00	6-2-97	FSB	Misty Altman
3	#1487-Premier Bottles account at Penn Security B&T	\$980.70	6-4-97	FSB	Misty Altman
4	#268-Gonzalo Aprruebo dba ABT Security	\$975.00	6-4-97	FSB	Misty Altman
5	#265-Gonzalo Aprruebo dba ABT Security	\$975.00	6-5-97	FSB	Misty Altman
6	#1269-Premier Models account at PNCBANK	\$975.00	6-5-97	FSB	Mrs. Altman
7	#236-Gonzalo Aprruebo dba ABT Security	\$975.00	6-3-97	FSB	Misty Altman
8	#1284-Premier Models account at PNCBANK	\$975.00	6-3-97	FSB	Misty Altman
9	Savings Withdrawal	\$1,250.00	5-23-97	KBNA	Diane Smith
10	#252-Tamara Samples	\$750.00	6-5-97	KBNA	Tamara Samples
11	#1436-Premier Bottles account at Penn Security B&T	\$975.98	5-15-97	WMB	Patricia Ramos
12	#341-Gonzalo Aprruebo dba ABT Security	\$575.00	5-27-97	WMB	Patricia Ramos
13	#334-Gonzalo Aprruebo dba ABT Security	\$976.00	5-14-97	WMB	Patricia Ramos
14	#1467-Premier Bottles account at Penn Security B&T	\$575.00	5-20-97	WMB	Patricia Ramos
15	#1441-Premier Bottles account at Penn Security B&T	\$977.25	5-21-97	WMB	Patricia Ramos
16	#1293-Premier Models account at PNCBANK	\$975.54	5-22-97	WMB	Patricia Ramos

<u>COUNT</u>	<u>CHECK</u>	<u>AMOUNT</u>	<u>DATE</u>	<u>VICTIM</u>	<u>ACCOUNT NAME</u>
17	#1233-Premier Models account at PNCBANK	\$575.00	5-19-97	WMB	Patricia Ramos
18	#1295-Premier Models account at PNCBANK	\$675.39	5-20-97	WMB	Patricia Ramos
19	#1287-Premier Models account at PNCBANK	\$975.00	5-20-97	ZFNB	Kristin Ely
20	#1491-Premier Bottles account at Penn Security B&T	\$960.75	6-4-97	ZFNB	Kristin Ely
21	#1435-Premier Bottles account at Penn Security B&T	\$977.25	5-21-97	CCU	Terri Greenlee
22	#1434-Premier Bottles account at Penn Security B&T	\$678.42	5-20-97	CCU	Terri Greenlee
23	#1434-Premier Bottles account at Penn Security B&T	\$575.00	5-19-97	CCU	Terri Greenlee
24	#1292-Premier Models account at PNCBANK	\$675.39	5-19-97	CCU	Terri Greenlee
25	#1234-Premier Models account at PNCBANK	\$575.00	5-20-97	CCU	Terri Greenlee
26	#1294-Premier Models account at PNCBANK	\$975.54	5-22-97	CCU	Terri Greenlee
27	#330-Gonzalo Aprruebo dba ABT Security	\$575.00	5-19-97	CCU	Terri Greenlee
28	#335-Gonzalo Aprruebo dba ABT Security	\$976.00	5-21-97	CCU	Terri Greenlee
29	#344-Gonzalo Aprruebo dba ABT Security	\$677.47	5-20-97	CCU	Terri Greenlee
30	#1232-Premier Models account at PNCBANK	\$575.00	5-19-97	BB	Shanan Le Brum Arceo
31	#329-Gonzalo Aprruebo dba ABT Security	\$575.00	5-23-97	BB	Shanan Le Brum Arceo

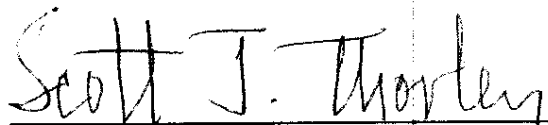
<u>COUNT</u>	<u>CHECK</u>	<u>AMOUNT</u>	<u>DATE</u>	<u>VICTIM</u>	<u>ACCOUNT NAME</u>
32	#1466-Premier Bottles account at Penn Security B&T	\$575.00	5-19-97	BB	Shanan Le Brum Arceo
33	#251-Shanan Le Brum Arceo	\$400.00	5-21-97	BB	Shanan Le Brum Arceo
34	#1291-Premier Models account at PNCBANK	\$975.54	5-16-97	BB	Shanan Le Brum Arceo

Each in violation of 18 U.S.C. § 1344(1) and § 2.

A TRUE BILL:


 FOREPERSON of the GRAND JURY

SCOTT M. MATHESON, JR.
 United States Attorney


 SCOTT J. THORLEY
 Assistant United States Attorney